



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

Attn. of:

December 31, 2002

CORRECTION

Subject: Policy 245.05-03: Policies on the Collection of Households' Free and Reduced Price Meal Eligibility Information

To: All State Directors
National School Lunch Programs (NSLP)
Southeast Region

(Note: Corrections to the previously issued Policy memorandum are in bold type.)

We have recently become aware of concerns about requirements in the "No Child Left Behind Act" to annually collect socioeconomic data by child. Provisions in this Act have led to the inappropriate use of free and reduced price meal applications. Implementation of these provisions must be conducted in a manner that is consistent with the free and reduced price application-related requirements in the National School Lunch Program (NSLP) which is governed by the Richard B. Russell National School Lunch Act.

We are enclosing two previously issued memoranda that set forth pertinent policies governing the free and reduced price application process. On **January 11, 2001**, we issued memorandum 245.09-05 entitled "School Meal Applications and Direct Certification During the Operation of Provision 2 and 3." On **October 26, 2001**, we issued memorandum 245.05-02 entitled "Submission of Free and Reduced Price Applications By All Households."

Please be aware that the enclosed memoranda are still in force and govern the pertinent aspects of the free and reduced price application process under the NSLP. If you have any questions, please contact Lanna Kirk of my staff at 404-562-7072.

CHARLIE SIMMONS
Regional Director
Special Nutrition Programs

Attachments



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

January 11, 2001

Attn. of: CN 11-1 GEN

Subject: Policy 245. 09-05: School Meal Applications and Direct Certification During the Operation of Provision 2 and Provision 3

To: All State Directors
National School Lunch Program (NSLP)

Under Provision 2 and Provision 3, school food authorities (SFA) make eligibility determinations for participating students during the base year of operation. The data gathered from the base year is used to generate reimbursement during each subsequent year, or non-base year, that the school continues to operate under the Provision.

We have received several inquiries regarding the collection of eligibility information during a Provision 2 or Provision 3 cycle. Listed below are four issues and responses:

- 1) If a school or SFA operating under Provision 2 or 3 collects and processes meal applications from households and/or conducts direct certification during a non-base year, does the school have to use the information?

Yes. Because households have completed applications or had their participation in other programs confirmed through direct certification for the purposes of meal benefits, the school must conduct meal counting and claiming by type at the point of service, or approved alternate, during that school year. Essentially, this becomes the new base year and new claiming percentages are established for the new cycle.

Exception: An exception is allowed when the school does not operate Provision 2 or Provision 3 for all meal programs offered by the SFA. For example, a school may operate the School Breakfast Program (SBP) under Provision 2 and operate the National School Lunch Program (NSLP) under standard meal counting and claiming procedures. In this example, the school would continue using base year claiming percentages for the SBP during non-base years. For the NSLP, they would make annual eligibility determinations and take meal counts by type at the point of service, or approved alternate.

- 2) May a school or SFA which has a food service operating under Provision 2 or Provision 3 continue to collect income or Food Stamp/TANF/FDPIR information from households during the non-base years **for other purposes**, such as textbook assistance?

Department of Agriculture regulations do not cover a school district's authority to collect information about household income or participation in other assistance programs for purposes other than meal benefits. However, if a school or SFA collects such information for **non-NSLP** or **non-SBP** purposes, the applications may not be labeled as meal applications or give any indication that meal benefits are contingent upon a household returning the application. In addition, because information about household income or information about participation in other assistance programs is not a requirement for NSLP or SBP purposes during non-base years, funds in the nonprofit school food service account may not be used to pay the costs associated with collecting and processing such information. Likewise, State agencies must not use State Administrative Expense funds to develop forms or procedures or to process eligibility material for purposes other than the approved child nutrition programs.

- 3) May a school or SFA which has a food service operating under Provision 2 or Provision 3 continue to conduct direct certification during the non-base years **for other purposes**, such as textbook assistance?

No. The National School Lunch Act authorizes student matches with the Food Stamp Program, Temporary Assistance for Needy Families and the Head Start Program only for use in determining eligibility for the NSLP and SBP. During the non-base years, such information is not necessary for operation of the NSLP or SBP and direct certification may not be conducted under National School Lunch Act authority.

- 4) May a school or SFA which has a food service operating under Provision 2 or Provision 3 collect applications for meal benefits and/or conduct direct certification during non-base years for the purpose of requesting an extension of the provision?

Yes. Schools and SFA's may collect free and reduced price meal applications and/or conduct direct certification to develop socioeconomic data of the school's population for purposes of requesting an extension. Please note that this is a data collection process to establish the socioeconomic level of the school's population and does not require meal counts. The collection of free and reduced price meal applications and/or direct certification for extension purposes must be limited to the final school year in the Provision 2 or Provision 3 cycle.

Please contact our office if you have questions about this issue.

CHARLIE SIMMONS
Regional Director
Special Nutrition Programs



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to
Attn. of: SERO Policy

October 26, 2001

Subject: Policy Memorandum 245.05-02: Submission of Free and Reduced Price Applications By All Households

To: All State NSLP/SBP Directors
Southeast Region

This is in response to concerns regarding application procedures in the Child Nutrition Programs. It has come to our attention that with increasing frequency school officials are requiring the submission of a free and reduced price meal application from all households with children enrolled in their school regardless of whether the household wishes to make application for free or reduced price meal benefits.

The National School Lunch Program, which includes snacks, the School Breakfast Program and the Special Milk Program require that school food authorities inform households of the availability of the program(s) and how a household may apply for free and reduced price benefits (7 CFR 245.5). However, neither the National School Lunch Act, the Child Nutrition Act or the regulations and guidance material governing these programs establish a requirement that would mandate submission of an application for free or reduced price benefits. While school officials must make families aware of the availability of free and reduced price meals and may even request that households apply, school officials may not require that a household submit an application for free or reduced price meal benefits. A school or school food authority wishing to require income information from all households with enrolled children must secure that income information through means other than the household's application for free or reduced price school meal benefits. School food authorities that provide households with multi-use applications, which include both meal program benefits as well as non-food benefits, must ensure that the process does not violate the requirements specified herein.

We recognize that State agencies and school food authorities have already printed meal application forms and parent letters for school year 2001-2002. Therefore, this policy takes effect as of the date of this memorandum and does not require retroactive implementation.

CHARLIE SIMMONS
Regional Director
Special Nutrition Programs